

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, February 1, 2016

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll being called, the following answered to their names: Council Members Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Also present was the following staff: Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Golby led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on RESOLUTION NUMBER 11.12.16R(MC) (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REMISSION OF INTEREST REGARDING THOSE PROPERTY OWNERS WHO REMIT THEIR 2016 PROPERTY TAXES DUE TO THE CITY OF ALBANY FROM FEBRUARY 1 THROUGH AND INCLUDING FEBRUARY 29, 2016 AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH CANCELLATION OF INTEREST) and there being no speakers, the President declared the Public Hearing closed.

PUBLIC COMMENT PERIOD

1. John-Jay Steinhardt, 680 Central Avenue #10H, Albany, New York (Transported by ambulance against his will);
2. Margarite Marsh, 700 Central Avenue, Albany, New York (Trash fee);
3. Eddie Ledbetter, 163 Grand Street, Albany, New York (Trash fee);
4. Marlon Anderson, Albany, New York (Various issues);
5. Stephen J. Giuffre, 97 Clermont Street, Albany, New York (Trash fee);
6. Mary Bolton, 641 Clinton Avenue, Albany, New York (Trash pick-up costs);
7. Keith Irish, 461 Ontario Street, Albany, New York (PEG Access).

There being no further speakers, the President declared the Public Comment Period closed.

CONSIDERATION OF LOCAL LAWS:

Council Member Krasher introduced LOCAL LAW B-2016, which was referred to the Law, Buildings and Code Enforcement Committee:

A LOCAL LAW AMENDING ARTICLE I (REMOVAL OF GARBAGE) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY REGARDING CURBSIDE COLLECTION

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Local Law J-2015 (As amended), passed by the City of Albany Common Council on January 4, 2016 is hereby repealed.

Section 2. Except as herein amended the provisions of Chapter 313 are hereby ratified, continued and approved.

Section 3. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

The remaining local laws on the agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES:

Finance, Taxation and Assessment – Chairperson Doesschate reported that the committee met January 25, 27 and 28, 2016 to interview applicants to the Board of Assessment Review as temporary members. The committee selected ten of the applicants, but recently learned that one of them is unable to serve. She discussed reaching out to another applicant to fill the last vacancy.

CONSIDERATION OF ORDINANCES

Council Member Krasher introduced ORDINANCE NUMBER 2.21.16, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 308-352 (EVEN NUMBERS) MANNING BOULEVARD FROM R-3B (MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL) TO ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) AND AMENDING THE ZONING MAP ACCORDINGLY

The City of Albany, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classifications of the even numbered properties from 310-352 Manning Boulevard from R-3B (Multifamily Medium-Density Residential) to One- and Two- Family Row House Residential District (R-2C), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1
Section: 64.44
Block: 2
Lot: 12

Said premises more commonly known as 308 Manning Boulevard measuring approximately 22.89' by 85.50'.

Parcel 2
Section: 64.44

Block: 2

Lot: 13

Said premises more commonly known as 310 Manning Boulevard measuring approximately 20.23' by 85.00'.

Parcel 3

Section: 64.44

Block: 2

Lot: 14

Said premises more commonly known as 312 Manning Boulevard measuring approximately 20.29' by 79'.

Parcel 4

Section: 64.44

Block: 2

Lot: 15

Said premises more commonly known as 314 Manning Boulevard measuring approximately 20.28' by 82.00'.

Parcel 5

Section: 64.44

Block: 2

Lot: 16

Said premises more commonly known as 316 Manning Boulevard measuring approximately 20.29' by 85.00'.

Parcel 6

Section: 64.44

Block: 2

Lot: 17

Said premises more commonly known as 318 Manning Boulevard measuring approximately 20.23' by 95.00'.

Parcel 7

Section: 64.44

Block: 2

Lot: 18

Said premises more commonly known as 320 Manning Boulevard measuring approximately 20.23' by 93.00'.

Parcel 8

Section: 64.44

Block: 2

Lot: 19

Said premises more commonly known as 322 Manning Boulevard measuring approximately 20.23' by 91.00'.

Parcel 9

Section: 64.44

Block: 2

Lot: 20

Said premises more commonly known as 324 Manning Boulevard measuring approximately 20.23' by 89.00'.

Parcel 10
Section: 64.44
Block: 2
Lot: 21

Said premises more commonly known as 326 Manning Boulevard measuring approximately 20.23' by 87.00'.

Parcel 11
Section: 64.44
Block: 2
Lot: 22

Said premises more commonly known as 328 Manning Boulevard measuring approximately 20.23' by 85.00'.

Parcel 12
Section: 64.44
Block: 2
Lot: 23

Said premises more commonly known as 330 Manning Boulevard measuring approximately 20.23' by 83.00'.

Parcel 13
Section: 64.44
Block: 2
Lot: 24

Said premises more commonly known as 332 Manning Boulevard measuring approximately 20.23' by 81.00'.

Parcel 14
Section: 64.44
Block: 2
Lot: 25

Said premises more commonly known as 334 Manning Boulevard measuring approximately 20.23' by 80.00'.

Parcel 15
Section: 64.44
Block: 2
Lot: 26

Said premises more commonly known as 336 Manning Boulevard measuring approximately 20.28' by 79.00'.

Parcel 16
Section: 64.44
Block: 2
Lot: 27

Said premises more commonly known as 338 Manning Boulevard measuring approximately 20.19' by 78.00'.

Parcel 17
Section: 64.44
Block: 2
Lot: 28

Said premises more commonly known as 340 Manning Boulevard measuring approximately 20.12' by 77.00'.

Parcel 18
Section: 64.44
Block: 2
Lot: 29

Said premises more commonly known as 342 Manning Boulevard measuring approximately 20.12' by 76.00'.

Parcel 19
Section: 64.44
Block: 2
Lot: 30

Said premises more commonly known as 344 Manning Boulevard measuring approximately 20.11' by 75.00'.

Parcel 20
Section: 64.44
Block: 2
Lot: 31

Said premises more commonly known as 346 Manning Boulevard measuring approximately 20.11' by 75.00'.

Parcel 21
Section: 64.44
Block: 2
Lot: 32

Said premises more commonly known as 348 Manning Boulevard measuring approximately 20.11' by 75.00'.

Parcel 22
Section: 64.44
Block: 2
Lot: 33

Said premises more commonly known as 350 Manning Boulevard measuring approximately 20.11' by 75.00'.

Parcel 23

Section: 64.44

Block: 2

Lot: 34

Said premises more commonly known as 352 Manning Boulevard measuring approximately 20.11' by 75.00'.

Section 2. The Council finds and declares that this action is an “Unlisted” action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This Ordinance shall take effect immediately.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Numbers 13.21.16R and 7.12.16R, which was approved by unanimous voice vote.

Council Member O'Brien introduced RESOLUTION NUMBER 13.21.16R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 724, 726, 728 AND 730 CENTRAL AVENUE

WHEREAS, Ordinance 53.122.15 was introduced by the City of Albany Common Council on December 21, 2015, which proposed rezoning the properties located at 724, 726, 728 and 730 Central Avenue from One- and Two-Family Residential District (R-2A) to Highway Commercial District (C-2); and

WHEREAS, the Common Council declared itself Lead Agency for review at a public meeting held on December 21, 2015 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a short Environmental Assessment Form, in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on January 21, 2016, where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation Law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be an Unlisted action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the short Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Unlisted pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the rezoning of the properties located at 724, 726, 728 and 730 Central Avenue from One- and Two-Family Residential District (R-2A) to Highway Commercial District (C-2), has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Negative - Golby

Affirmative 14 Negative 1 Abstain 0

Council Member O’Brien asked for passage of RESOLUTION NUMBER 7.12.16R (RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED ADDITION OF TRADE SCHOOLS TO THE C-M ZONING DISTRICT), WHICH HAD BEEN PREVIOUSLY INTRODUCED.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member O’Brien asked for passage of ORDINANCE NUMBER 54.122.15 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 724, 726, 728 AND 730 CENTRAL AVENUE FROM ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT (R-2A) TO HIGHWAY COMMERCIAL DISTRICT (C-2) AND AMENDING THE ZONING MAP ACCORDINGLY), which had been previously introduced.

The ordinance passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Negative - Golby

Affirmative 14 Negative 1 Abstain 0

Council Member O'Brien asked for passage of ORDINANCE NUMBER 1.12.16 (AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING THE ADDITION OF TRADE SCHOOLS TO THE LIGHT INDUSTRIAL DISTRICT ZONE), which had been previously introduced.

The ordinance passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 1.12.16 was co-sponsored by Council Members Krasher and Robinson.

The remaining Ordinances on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

President Pro Tempore Conti asked and received majority consent to add Resolution Number 14.21.16R to the pending agenda, which was approved by unanimous voice vote.

Council Member Doesschate introduced RESOLUTION NUMBER 14.21.16R (MC), asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING TEMPORARY MEMBERS TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, there exists pursuant to Section 523 of the Real Property Tax Law and Section 42-167 of the Code of the City of Albany a Board of Assessment Review consisting of five members; and

WHEREAS, Real Property Tax Law Section 523-a authorizes the appointment of temporary members to the Board of Assessment Review to assist the Board of Assessment Review; and

WHEREAS, in light of the City-wide revaluation for the year 2016 and to promote a fair, equitable and efficient revaluation, the addition of temporary members to the Board of Assessment Review is necessary and desirable.

NOW THEREFORE IT BE RESOLVED, that the Common Council of the City of Albany does hereby appoint, pursuant to Section 523-a of the Real Property Tax Law as temporary members of the Board of Assessment Review the following:

Beror Efekoro;
Deborah Eley;
Stephen Franke;
Charles Houghton;

Penelope Krebs;
Brian Levine;
Richard McGlone;
Jeannette Morris;
Susan Rizzo.

BE IT FURTHER RESOLVED, that the compensation for such temporary members shall be five thousand dollars (\$5,000) each.

RESOLVED, that the said members shall serve until all hearings on complaints and grievances are heard and decided and the finalization of the assessment roll is complete, provided that such term shall not exceed one year.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Doesschate asked for passage of RESOLUTION NUMBER 11.12.16R (MC) (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REMISSION OF INTEREST REGARDING THOSE PROPERTY OWNERS WHO REMIT THEIR 2016 PROPERTY TAXES DUE TO THE CITY OF ALBANY FROM FEBRUARY 1 THROUGH AND INCLUDING FEBRUARY 29, 2016 AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH CANCELLATION OF INTEREST), which had been previously introduced.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

The remaining Resolutions on the pending agenda were held at the request of President Pro Tempore Conti..

MISCELLANEOUS AND UNFINISHED BUSINESS:

NONE

ADJOURNMENT

A motion was made for adjournment.

President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of February 1st, 2016.

CASHAWNA PARKER
Legislative Aide to the Council